

Velva L. Price  
District Clerk  
Travis County  
D-1-GN-16-005470  
Bari Henson

**D-1-GN-16-005470**

<b>MAXINE WHITE,</b>	§	<b>IN THE DISTRICT COURT</b>
	§	
<b>Plaintiff</b>	§	
	§	
<b>v.</b>	§	<b>53rd JUDICIAL DISTRICT</b>
	§	
<b>FRONTIER AIRLINES, INC.,</b>	§	
	§	
<b>Defendant</b>	§	<b>TRAVIS COUNTY, TEXAS</b>

**DEFENDANT'S NOTICE OF FILING NOTICE OF REMOVAL**

On December 2, 2016, Defendant Frontier Airlines, Inc. filed the attached Notice of Removal with the office of the District Clerk of the United States District Court for the Western District of Texas – Austin Division.

Respectfully submitted,

**SMITH | ROBERTSON | ELLIOTT, LLP**

221 West Sixth Street, Suite 1100  
Austin, Texas 78701  
Telephone: (512) 225-5800  
Telecopier: (512) 225-5838

By: /s/ A. Lee Rigby

A. Lee Rigby  
State Bar No. 24029796  
lrigby@smith-robertson.com

**ATTORNEYS FOR DEFENDANT**

EXHIBIT 6

**CERTIFICATE OF SERVICE**

By my signature above, I hereby certify that on the 2nd day of December, 2016 the foregoing Defendant's Notice of Filing of Notice of Removal was served on the following counsel of record by E-Service and Email:

Joel Levine  
LAW OFFICE OF JOEL A. LEVINE, PLLC  
5407 Parkcrest Drive, Suite 300  
Austin, Texas 78731  
t: (512)-982-1510  
f: (512)-367-5928  
*joel@joelalevine.com*

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

MAXINE WHITE,

Plaintiff,

v.

FRONTIER AIRLINES, INC.

Defendant.

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§

CASE NO. 16-cv-1266

**JURY DEMAND**

**NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1332(a)  
(DIVERSITY JURISDICTION)**

PLEASE TAKE NOTICE that Defendant Frontier Airlines, Inc. (“Frontier”) hereby removes to this Court the state court action described below.

1. On November 3, 2016, plaintiff, Maxine White (“Plaintiff”), commenced an action in the District Court, 53rd Judicial District, Travis County, State of Texas, Case No. 16-005470. A copy of the citation and original petition served on Frontier is attached in the Index as Exhibit A. The Index being contemporaneously filed herewith is incorporated herein by reference for all purposes.
2. On November 3, 2016, Frontier was served via personal service.
3. To the best of the undersigned’s knowledge, the documents contained in the Index comprise all filings to date in this matter.
4. This is a personal injury case alleging that Plaintiff was injured while boarding a Frontier flight on June 10, 2015.
5. Plaintiff is a resident of Travis County, Texas.
6. Frontier’s principal place of business is Denver, Colorado.

7. Plaintiff alleges in her complaint that she suffered “severe physical injuries as well as mental and physical trauma.” (Plaintiff’s Petition, Exhibit A, p. 2.)
8. Plaintiff further alleges in her complaint that she is seeking “monetary relief over \$200,000,” as well as exemplary damages. (*Id.*, at p. 5.)
9. This action is a civil action of which this Honorable Court has jurisdiction under 28 U.S.C. § 1332(a) since complete diversity exists between the parties and the amount in controversy exceeds \$75,000.
10. This is a matter which may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441(a) and § 1446.
11. As Frontier was served on November 3, 2016, this removal is timely.
12. Plaintiff requested a jury trial in her state complaint and Frontier requests a jury trial in this matter as well.
13. As required by 28 U.S.C. § 1446, Frontier will give notice of the filing of this notice to the Plaintiff and to the clerk of the state court, where the action is presently pending.

WHEREFORE, Frontier respectfully requests removal of this matter to this Honorable Court.

Respectfully submitted,

**SMITH | ROBERTSON | ELLIOTT, LLP**  
221 West Sixth Street, Suite 1100  
Austin, Texas 78701  
Telephone: (512) 225-5800  
Telecopier: (512) 225-5838

By: /s/ A. Lee Rigby  
A. Lee Rigby  
State Bar No. 24029796  
lrigby@smith-robertson.com  
**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I hereby certify that on December 2, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following and I further certify that I have served the foregoing by email.

Joel Levine  
LAW OFFICE OF JOEL A. LEVINE, PLLC  
5407 Parkcrest Drive, Suite 300  
Austin, Texas 78731  
t: (512)-982-1510  
f: (512)-367-5928  
*joel@joelalevine.com*

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

NO. 16-cv-1266

Supplement to JS 44 Civil Cover Sheet  
Cases Removed from State District Court

This form must be filed with the Clerk's Office no later than the **first business day** following the filing of the Notice of Removal. Additional sheets may be used as necessary.

The attorney of record for the removing party **MUST** sign this form.

**STATE COURT INFORMATION:**

1. Please identify the court from which the case is being removed; the case number; and the complete style of the case.

Cause No. D-1-GN-16-005470; *Maxine White v. Frontier Airlines*; In the 53rd Judicial District Court of Travis County, Texas

2. Was jury demand made in State Court? Yes ☒ No ☐

If yes, by which party and on what date?

Plaintiff, Maxine White

Party Name

11/02/2016  
Date

**STATE COURT INFORMATION:**

1. List all plaintiffs, defendants, and intervenors still remaining in the case. Also, please list the attorney(s) of record for each party named and include the attorney's firm name, correct mailing address, telephone number, and fax number (including area codes).

Maxine White, Plaintiff  
c/o Joel Levine  
LAW OFFICE OF JOEL A. LEVINE, PLLC  
5407 Parkcrest Drive, Suite 300  
Austin, Texas 78731  
Telephone: (512)-982-1510  
Facsimile: (512)-367-5928  
Email: joel@joelalevine.com

Frontier Airlines, Inc., Defendant  
c/o A. Lee Rigby  
SMITH | ROBERTSON | ELLIOTT  
221 West Sixth Street, Suite 1100  
Austin, Texas 78701  
Telephone: (512) 225-5800  
Facsimile: (512) 225-5838  
Email: lrigby@smith-robertson.com

2. List all parties that have not been served at the time of the removal, and the reason(s) for non-service.

N/A

3. List all parties that have been non-suited, dismissed, or terminated, and the reason(s) for their removal from the case.

N/A

**COUNTERCLAIMS, CROSS-CLAIMS, and/or THIRD-PARTY CLAIMS:**

1. List separately each counterclaim, cross-claim, or third-party claim still remaining in the case and designate the nature of each such claim. For each counterclaim, cross-claim, or third-party claim, include all plaintiffs, defendants, and intervenors still remaining in the case. Also, please list the attorney(s) of record for each party named and include the attorney's firm name, correct mailing address, telephone number, and fax number (including area codes).

N/A

**VERIFICATION:**

/s/ A. Lee Rigby

Attorney for Removing Party

12/02/2016

Date

Defendant, Frontier Airlines, Inc.

Party/Parties

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**MAXINE WHITE,**

**Plaintiff,**

**v.**

**FRONTIER AIRLINES, INC.**

**Defendant.**

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**CASE NO.** 16-cv-1266

**STATE COURT PLEADINGS INDEX**

Exhibit A	Original Petition	11/02/16
Exhibit B	Civil Case Information Sheet	11/02/16
Exhibit C	Service Request Form	11/02/16
Exhibit D	Executed Service	11/04/16
Exhibit E	District Clerk's Case Index	12/02/16





CORPORATION SERVICE COMPANY

## Notice of Service of Process

Transmittal Number: 15830969  
Date Processed: 11/04/2016

**Primary Contact:** Jacalyn Peter  
Frontier Airlines, Inc.  
Frontier Center One  
7001 Tower Road  
Denver, CO 80249-7312

**Electronic copy provided to:** Howard Diamond  
Shannon Muir

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<b>Entity:</b>	Frontier Airlines, Inc. Entity ID Number 0485700
<b>Entity Served:</b>	Frontier Airlines, Inc.
<b>Title of Action:</b>	Maxine White vs. Frontier Airlines, Inc.
<b>Document(s) Type:</b>	Citation/Petition
<b>Nature of Action:</b>	Personal Injury
<b>Court/Agency:</b>	Travis County District Court, Texas
<b>Case/Reference No:</b>	D-I-GN-16-005470
<b>Jurisdiction Served:</b>	Texas
<b>Date Served on CSC:</b>	11/03/2016
<b>Answer or Appearance Due:</b>	10:00 am Monday next following the expiration of 20 days after service
<b>Originally Served On:</b>	CSC
<b>How Served:</b>	Personal Service
<b>Sender Information:</b>	Joel A. Levine 512-982-1510

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Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

**To avoid potential delay, please do not send your response to CSC**  
2711 Centerville Road Wilmington, DE 19808 (888) 690-2882 | [sop@cscglobal.com](mailto:sop@cscglobal.com)

C I T A T I O N  
T H E   S T A T E   O F   T E X A S  
C A U S E   N O .   D - 1 - G N - 1 6 - 0 0 5 4 7 0

MAXINE WHITE

, Plaintiff

vs.

FRONTIER AIRLINES, INC.

, Defendant

TO: FRONTIER AIRLINES, INC.  
BY DELIVERY TO ITS REGISTERED AGENT,  
THE PRENTICE HALL CORPORATION  
211 E. 7TH STREET, SUITE 620  
AUSTIN, TEXAS 78701-3218

Defendant, in the above styled and numbered cause:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Attached is a copy of the PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE of the PLAINTIFF in the above styled and numbered cause, which was filed on NOVEMBER 2, 2016 in the 53RD JUDICIAL DISTRICT COURT of Travis County, Austin, Texas.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, November 03, 2016.

REQUESTED BY:  
JOEL A. LEVINE  
5407 PARKCREST DRIVE, SUITE 300  
AUSTIN, TX 78731  
BUSINESS PHONE: (512) 982-1510 FAX: (512) 367-5928



*[Signature]*  
Valva L. Price  
Travis County District Clerk  
Travis County Courthouse  
1000 Guadalupe, P.O. Box 679003 (78767)  
Austin, TX 78701

PREPARED BY: CARRISA ESCALANTE

R E T U R N

Came to hand on the 3 day of Nov., 2016 at 11:03 o'clock A M., and  
executed at \_\_\_\_\_ within the County of \_\_\_\_\_

\_\_\_\_\_ on the 3 day of Nov., 2016, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.,  
by delivering to the within named \_\_\_\_\_, each  
in person, a true copy of this citation together with the PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE accompanying pleading, having first attached such copy of such citation to such copy of pleading and endorsed on such copy of citation the date of delivery.

Service Fee: \$ \_\_\_\_\_

\_\_\_\_\_  
Sheriff / Constable / Authorized Person

Sworn to and subscribed before me this the \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Printed Name of Server

\_\_\_\_\_  
Notary Public, THE STATE OF TEXAS

\_\_\_\_\_  
County, Texas

D-1-GN-16-005470

SERVICE FEE NOT PAID

F01 - 000046073

☐ Original

☐ Service Copy



11/2/2016 5:43:59 PM

Velva L. Price  
District Clerk  
Travis County  
D-1-GN-16-005470  
Carrisa Escalante

CAUSE NO. D-1-GN-16-005470

MAXINE WHITE	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
V.	§	<b>53RD</b> JUDICIAL DISTRICT
	§	
FRONTIER AIRLINES, INC.	§	
	§	
<i>Defendants.</i>	§	TRAVIS COUNTY, TEXAS

---

PLAINTIFF'S ORIGINAL PETITION  
AND REQUEST FOR DISCLOSURE

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TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, MAXINE WHITE, in the above styled cause and files this, her Plaintiff's Original Petition and Request for Disclosure complaining of FRONTIER AIRLINES ("Frontier") and shows the following:

I. DISCOVERY CONTROL PLAN

1. Pursuant to Texas Rules of Civil Procedure Rule 190.4, Plaintiff requests that discovery be conducted in accordance with Discovery Control Plan Level 3.

II. PARTIES

2. Plaintiff is a resident of Travis County, Texas.

3. Defendant Frontier Airlines is a business who may be served with citation by serving its registered agent The Prentice Hall Corporation, 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701-3218.

III. VENUE AND JURISDICTION

4. This Court has subject matter jurisdiction because the amount in controversy

exceeds the minimum jurisdictional limits of the court. This Court has personal jurisdiction over Defendant because Defendant conducts business in this state. Venue is proper in Travis County, Texas because all of the events giving rise to Plaintiff's claims occurred in Travis County, Texas.

#### IV. FACTS

5. On June 10, 2015, Plaintiff arrived at Austin-Bergstrom International Airport for a flight to Denver, Colorado on a plane owned and operated by Frontier Airlines.

6. Upon arrival at the check-in counter, Plaintiff advised Defendant's staff of her disability, a pre-existing back injury, nerve damage, and other health issues which require the use of a wheel chair.

7. During the boarding process, Defendant's staff advised passengers that a gate was unavailable for boarding and transported passengers by bus to the tarmac for boarding.

8. When Plaintiff arrived at the plane on the tarmac, there was no handicap ramp as required by the Americans with Disabilities Act ("ADA").

9. Defendant's staff members instructed Plaintiff to climb a narrow stairway comprised of a set of sixteen stairs to board the plane. Plaintiff was physically unable to climb the stairs to board the plane.

10. After several failed attempts to figure out a way for Plaintiff to board the plane, Plaintiff was loaded into a "rescue chair" and carried up the stairs despite expressing concern for her safety.

11. Due to the haphazard and uneven nature used to carry Plaintiff and lift her up the stairs for boarding, Plaintiff suffered severe physical injuries as well as mental and physical trauma resulting in damages to Plaintiff.



12. Following the incident, Plaintiff submitted a complaint to Defendant to address the unsafe boarding procedure employed by Frontier staff. Defendant responded to Plaintiff, and by their own admission, had violated state and federal law having failed in their duty to Plaintiff, a passenger with a disability, to provide proper assistance with boarding and ensure compliance with the law and their own procedures to safeguard the safety and dignity of passengers.

13. Had Defendant, by and through its agents, representatives, employees and staff, complied with the law and followed proper procedures to assist passengers with disabilities, Plaintiff would not have sustained the injuries and damages described above.

## V. CAUSES OF ACTION

### A. NEGLIGENCE

14. Plaintiff incorporates, by reference, the allegations set out above into each cause of action below:

15. On the occasion in question, Defendant had a duty to exercise the degree of care and caution which would have been exercised by a person using ordinary care and would use to avoid harm to others under circumstances similar those described herein.

16. Defendants breached the duty of care they owed to Plaintiff by failing to provide or ensure a safe boarding process.

17. Defendant breached the duty of care they owed to Plaintiff by failing to provide or ensure the provision of assistance requested by or on behalf of passengers with a disability.

18. Defendant breached the duty of care they owed to Plaintiff by failing to provide a safe boarding process and by negligently using a "rescue chair" to carry Plaintiff up a narrow set of stairs. A reasonable person could foresee that the method of boarding Plaintiff was unsafe, and

undignified, and carried the potential to cause greater harm to someone with a back injury and nerve damage.

19. Each and all of the foregoing acts of negligence were a proximate cause of the occurrence made the basis of this suit, and all of the damages and injuries sustained by Plaintiff.

20. Plaintiff specifically pleads that nothing she did contributed to her injuries

**B. NEGLIGENCE TRAINING & SUPERVISION**

21. Defendant Frontier was negligent in failing to properly train and supervise its agents, representatives, employees, staff, and other personnel working and present at the time incident occurred.

22. Defendant did not use ordinary care in training and supervising its employees to follow procedures in compliance with the law which safeguard Defendant's health, specifically, passengers with disabilities, creating a risk of harm to the public.

23. Such negligence was the proximate cause of the incident described in this petition and caused personal injury and damages to Plaintiff.

**C. VICARIOUS LIABILITY – RESPONDEAT SUPERIOR**

24. At the time of the incident, agents, representatives, employees, staff, and other personnel were acting on behalf of Defendant Frontier in furtherance of Frontier's business interests. Accordingly, Defendant Frontier is liable to Plaintiff for all of the damages herein under the principals of *respondeat superior*.

**D. INFLECTION OF BODILY INJURY**

25. Defendant Frontier boarded Plaintiff in an unsafe manner despite Plaintiff expressing concern for her safety when they strapped her in a chair, failed to safeguard her health, and unsteadily and recklessly carried her up the stairs causing trauma and bodily injury.



26. Defendant Frontier's breach of duty proximately caused personal injury and damages to Plaintiff.

## VI. DAMAGES

27. Plaintiff incorporates the preceding paragraphs as if set forth herein.

28. The negligent conduct of the Defendant proximately caused injuries and damages to Plaintiff in excess of the minimum jurisdictional limits of this Honorable Court.

29. Pursuant to Texas Rules of Civil Procedure 47(c), Plaintiff seeks monetary relief of over \$200,000 but not more than \$1,000,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and post-judgment interest if applicable.

30. These damages include, but are not limited to:

- a. Medical, hospital, rehabilitative and pharmaceutical charges and expenses in the past and in reasonable medical probability, will be incurred in the future;
- b. Pain and suffering in the past and in reasonable probability, will be suffered in the future;
- c. Mental anguish suffered in the past and in reasonable probability, will be suffered in the future;
- d. Disability and impairment in the past and in reasonable probability, will occur in the future;
- e. Disfigurement in the past and in reasonable probability, will be suffered in the future; and
- f. Lower quality of life in the past and in reasonable probability, will be suffered in the future.

31. Exemplary Damages. Plaintiff's injuries resulted from Defendant Frontier's gross negligence, which entitled Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code § 41.003(a)

32. Plaintiff respectfully reserves the right to amend this pleading and plead for damages as may be appropriate at the time of the trial.

#### **VII. CONDITIONS PRECEDENT**

33. Plaintiff would show that all conditions precedent to their recovery have occurred and been fulfilled.

#### **VIII. DISCOVERY**

34. Pursuant to the Texas Rules of Civil Procedure, Plaintiff requests that the Defendant disclose, within fifty (50) days of the service of this request, the information and material described in Rule 194.2 (a) – (l)

#### **IX. REQUEST FOR JURY TRIAL**

35. Plaintiff demands a jury trial and tenders the appropriate fee with this petition.

#### **PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Maxine White prays that Defendant Frontier Airlines, Inc. be cited to appear herein and answer this Petition and that on final hearing, Plaintiff has judgment against Defendants for all damages to which she is justly entitled and the jury may deem to be proper, together with prejudgment and post-judgment interest at the legal rate, costs of court, and for such other and further relief to which Plaintiff may be or become justly entitled.



Respectfully submitted,

**LAW OFFICE OF JOEL A. LEVINE, PLLC**

By: /s/ Joel A. Levine  
JOEL A. LEVINE  
State Bar No. 24065612  
5407 Parkcrest Drive, Suite 300  
Austin, Texas 78731  
Telephone: (512) 982-1510  
Facsimile: (512) 367-5928  
Email: joel@joelalevine.com

**ATTORNEY FOR PLAINTIFF  
MAXINE WHITE**

**THE LAWYER REFERRAL SERVICE OF CENTRAL TEXAS**  
A Non-Profit Corporation

**IF YOU NEED A LAWYER  
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\$20.00 for first half hour attorney consultation  
(free consultations for personal injury, malpractice, worker's compensation,  
bankruptcy, and social security disability)**

This service is certified as a lawyer referral service as required by the State of Texas  
under Chapter 952, Occupations Code. Certificate No. 9303

**SI USTED NECESITA EL CONSEJO DE UN  
ABOGADO Y NO CONOCE A NINGUNO  
PUEDE LLAMAR  
A LA REFERENCIA DE ABOGADOS**

**512-472-8303**

**866-303-8303 (llame gratis)**

**[www.AustinLRS.com](http://www.AustinLRS.com)**

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\$20.00 por la primera media hora de consulta con un abogado  
(la consulta es gratis si se trata de dafio personal, negligencia,  
indemnización al trabajador, bancarrota o por Incapacidad del Seguro Social)**

This service is certified as a lawyer referral service as required by the State of Texas  
under Chapter 952, Occupations Code. Certificate No. 9303

## CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY) **D-1-GN-16-005470** COURT (FOR CLERK USE ONLY):

Velva L. Price

District Clerk

Travis County

D-1-GN-16-005470

Carrisa Escalante

STYLED **MAXINE WHITE V. FRONTIER AIRLINES, INC.**

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet:		Names of parties in case:	Person or entity completing sheet is:
Name: <u>Joel A. Levine</u>  Address: <u>5407 Parkcrest Drive, Suite 300</u>  City/State/Zip: <u>Austin / TX / 78731</u>  Signature: <u>/s/ Joel A. Levine</u>	Email: <u>joel@joelalevine.com</u>  Telephone: <u>(512) 982-1510</u>  Fax: <u>(512) 367-5928</u>  State Bar No: <u>24065612</u>	Plaintiff(s)/Petitioner(s):  <u>Maxine White</u>  Defendant(s)/Respondent(s):  <u>Frontier Airlines, Inc.</u>  <small>[Attach additional page as necessary to list all parties]</small>	<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____  Additional Parties in Child Support Case:  Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____
2. Indicate case type, or identify the most important issue in the case (select only 1):			
Civil		Family Law	
<b>Contract</b> <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____  <b>Foreclosure</b> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	<b>Injury or Damage</b> <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <b>Malpractice</b> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: _____ <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <b>Product Liability</b> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input checked="" type="checkbox"/> Other Injury or Damage: <u>Negligence</u>	<b>Real Property</b> <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____  <b>Related to Criminal Matters</b> <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	<b>Marriage Relationship</b> <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <b>Divorce</b> <input type="checkbox"/> With Children <input type="checkbox"/> No Children  <b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____
<b>Employment</b> <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____		<b>Post-judgment Actions (non-Title IV-D)</b> <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order  <b>Parent-Child Relationship</b> <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Paternity/Parentage <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____	
<b>Other Civil</b> <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____		<b>Probate &amp; Mental Health</b> <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____	
<b>Tax</b> <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		<b>Probate/Wills/Intestate Administration</b> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings	
3. Indicate procedure or remedy, if applicable (may select more than 1):			
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment	
<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover		<input type="checkbox"/> Other: _____	
4. Indicate damages sought (do not select if it is a family law case):			
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input checked="" type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000			

EXHIBIT B





**VELVA L. PRICE**

District Clerk, Travis County  
Civil Division (512) 854-9457

11/2/2016 5:43:59 PM

**Velva L. Price**  
District Clerk  
Travis County  
D-1-GN-16-005470  
Carrisa Escalante

## SERVICE REQUEST FORM

### REQUESTED BY:

**ATTORNEY/FILER:** Joel A. Levine

**PHONE #:** (512) 657-5935

**EMAIL:** paralegal@joelalevine.com

**SUBMITTED BY:** Brian Falligant

**TITLE:** Paralegal

**SIGNATURE:**

### ISSUE PROCESS FOR:

**CAUSE #:** **D-1-GN-16-005470**

**CASE STYLE:** Maxine White v. Frontier Airlines, Inc.

### QUICK CITATION REQUEST: (FOR SERVICE OF CITATION ON ALL DEFENDANTS BY PERSONAL)

ISSUE CITATION TO ALL DEFENDANTS LISTED IN THE ORIGINAL PETITION AT THE ADDRESS SPECIFIED IN THE PETITION AND FORWARD THE CITATION(S) TO THE FOLLOWING:

☐ TRAVIS CO. CONSTABLE (specify):

☐ CERTIFIED MAIL BY CLERK ☐ ATTORNEY/REQUESTER

☒ PRIVATE PROCESS AGENCY (specify): Tod Pendergras / Direct Results

☐ I HAVE INCLUDED ATTACHMENTS TO THIS REQUEST (e.g. DISCOVERY) TO INCLUDE

### DETAILED SERVICE REQUEST: (ON PARTICULAR PARTIES, BY VARIOUS DELIVERY METHODS, OR FOR NON-CITATION)

**DESCRIPTION OF INSTRUMENT(S) TO BE SERVED:**

Plaintiff's Original Petition and Request for Disclosure

☐ I HAVE INCLUDED ATTACHMENTS TO THIS REQUEST (e.g. discovery) TO INCLUDE IN THE CITATION

**TYPE OF PROCESS TO**

☐ CITATION ☐ CERTIFIED NOTICE ☐ PROTECTIVE ORDER\* ☐ TRO\*^ ☐ INJUNCTION\*^ ☐ SEQUESTRATION\*^

**ISSUE:**

☐ ATTACHMENT\* ☐ EXECUTION\* ☐ ABSTRACT\* ☐ SUPERSEDEAS^ ☐ SCIRE FACIAS\* ☐ OTHER^

\*SPECIFY TITLE AND DATE OF UNDERLYING ORDER IN CASE RECORD:

^ATTACH A COPY OF BOND AND/OR OTHER SUPPORTING DOCUMENT

### SERVICE TO BE ISSUED:

**PARTY NAME:** Frontier Airlines, Inc.

**PARTY TYPE:** Defendant

☒ USE ADDRESS IN ORIGINAL PETITION ☐ SECRETARY OF STATE

☐ OTHER ADDRESS:

**EMAIL PROCESS TO:**

☐ TRAVIS CO. CONSTABLE

☐ ATTORNEY/REQUESTOR

☒ PRIVATE PROCESS AGENCY:

Process Agency Name:

Tod Pendergras / Direct Results

**SERVE VIA:**

☐ PERSONAL SERVICE

☐ CERTIFIED MAIL (BY CONSTABLE)

☐ CERTIFIED MAIL (BY CLERK)

☐ CITATION BY POSTING\*

☐ CITATION BY PUBLICATION\*

**PARTY NAME:**

**PARTY TYPE:**

☐ USE ADDRESS IN ORIGINAL PETITION ☐ SECRETARY OF STATE

☐ OTHER ADDRESS:

**EMAIL PROCESS TO:**

☐ TRAVIS CO. CONSTABLE

☐ ATTORNEY/REQUESTOR

☐ PRIVATE PROCESS AGENCY:

Process Agency Name:

**SERVE VIA:**

☐ PERSONAL SERVICE

☐ CERTIFIED MAIL (BY CONSTABLE)

☐ CERTIFIED MAIL (BY CLERK)

☐ CITATION BY POSTING\*

☐ CITATION BY PUBLICATION\*

**PARTY NAME:**

**PARTY TYPE:**

☐ USE ADDRESS IN ORIGINAL PETITION ☐ SECRETARY OF STATE

☐ OTHER ADDRESS:

**EMAIL PROCESS TO:**

☐ TRAVIS CO. CONSTABLE

☐ ATTORNEY/REQUESTOR

☐ PRIVATE PROCESS AGENCY:

Process Agency Name:

**SERVE VIA:**

☐ PERSONAL SERVICE

☐ CERTIFIED MAIL (BY CONSTABLE)

☐ CERTIFIED MAIL (BY CLERK)

☐ CITATION BY POSTING\*

☐ CITATION BY PUBLICATION\*

\*THIS TYPE OF SERVICE MAY REQUIRE A COURT ORDER. ENTER DATE OF SERVICE ORDER IN CASE RECORD:

ADDITIONAL INSTRUCTIONS FOR CLERK OR FOR OFFICER SERVING PROCESS:

**FOR ADDITIONAL PARTIES TO BE SERVED, USE e-FILED PROCESS ISSUANCE REQUEST FORM ADDENDUM**

Velva L. Price  
District Clerk, Travis County  
Civil Division (512) 854-9457

# SERVICE REQUEST FORM

Cause #:	Case Style:	
<b>PARTY NAME:</b>  <b>PARTY TYPE:</b>  <input type="checkbox"/> USE ADDRESS IN ORIGINAL PETITION <input type="checkbox"/> SECRETARY OF STATE <input type="checkbox"/> OTHER ADDRESS:	<b>EMAIL PROCESS TO:</b> <input type="checkbox"/> TRAVIS CO. CONSTABLE <input type="checkbox"/> ATTORNEY/REQUESTOR <input type="checkbox"/> PRIVATE PROCESS AGENCY: Process Agency Name:	<b>SERVE VIA:</b> <input type="checkbox"/> PERSONAL SERVICE <input type="checkbox"/> CERTIFIED MAIL (BY CONSTABLE) <input type="checkbox"/> CERTIFIED MAIL (BY CLERK) <input type="checkbox"/> CITATION BY POSTING* <input type="checkbox"/> CITATION BY PUBLICATION*
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\*This Type of Service may require a court order. Enter date of service order in case record:

## C I T A T I O N

T H E S T A T E O F T E X A S

CAUSE NO. D-1-GN-16-005470

MAXINE WHITE

vs.

FRONTIER AIRLINES, INC.

Filed in The District Court  
of Travis County, Texas , Plaintiff

NOV 04 2016

At 10:38 P.M.  
Velva L. Price, District Clerk , Defendant

TO: FRONTIER AIRLINES, INC.  
BY DELIVERY TO ITS REGISTERED AGENT,  
THE PRENTICE HALL CORPORATION  
211 E. 7TH STREET, SUITE 620  
AUSTIN, TEXAS 78701-3218

Defendant, in the above styled and numbered cause:

**YOU HAVE BEEN SUED.** You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Attached is a copy of the PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE of the PLAINTIFF in the above styled and numbered cause, which was filed on NOVEMBER 2, 2016 in the 53RD JUDICIAL DISTRICT COURT of Travis County, Austin, Texas.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, November 03, 2016.

REQUESTED BY:

JOEL A. LEVINE

5407 PARKCREST DRIVE, SUITE 300

AUSTIN, TX 78731

BUSINESS PHONE: (512) 982-1510 FAX: (512) 367-5928



Velva L. Price  
Travis County District Clerk  
Travis County Courthouse  
1000 Guadalupe, P.O. Box 679003 (78767)  
Austin, TX 78701

PREPARED BY: CARRISA ESCALANTE

## R E T U R N

Came to hand on the 3 day of NOV., 2016 at 11:03 o'clock A M., and  
executed at \_\_\_\_\_ within the County of \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.,  
by delivering to the within named \_\_\_\_\_, each  
in person, a true copy of this citation together with the PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE accompanying pleading, having first attached such copy of such citation to such copy of pleading and endorsed on such copy of citation the date of delivery.

Service Fee: \$ 71.<sup>00</sup>

Sworn to and subscribed before me this the \_\_\_\_\_

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Sheriff / Constable / Authorized Person

By: \_\_\_\_\_

**RETURN ATTACHED**

Printed Name of Server

\_\_\_\_\_  
Notary Public, THE STATE OF TEXAS

D-1-GN-16-00547

☒ Original

Case # D-1-GN-16-005470



004887753

PAID

**DRLS**

516 West Annie St.  
Austin, Texas 78704  
2495

P01 - 000046073

EXHIBIT D

ORIGINAL

RETURN

Cause No. D-1-GN-16-005470

Came to hand on the 3rd day of November, 2016, at 11:03 o'clock a.m.

- ☒ Citation  
☒ Plaintiff's Original Petition and Request for Disclosure  
☒ Lawyer Referral Info. Sheet

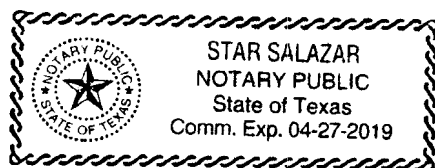
Executed at 211 E. 7<sup>th</sup> Street, Ste. 620, Austin, Texas 78701, within the County of Travis, on the 3rd day of November, 2016, at 1:20 o'clock p. m., by delivering to the within named, FRONTIER AIRLINES, INC., by delivering to its Registered Agent, Prentice Hall Corporation System, by delivering in person to Kelly Courtney, employee designated to receive process for the registered agent, a true and correct copy of the above specified civil process, having first endorsed thereupon the date of delivery. I am over eighteen (18) years of age and not a party to or interested in the outcome of the above numbered cause. I am authorized to serve citations and other notices in this cause by Texas Supreme Court Order #SCH1660, exp. 11/30/2017. The statements/facts herein contained are within my personal knowledge. This return is attached to original process or a true copy thereof. I declare under penalty of perjury that the foregoing is true and correct.

Tod E. Pendergrass  
 Printed Name of Process Server

[Signature]  
 Signature of Authorized Process Server  
 DRLS, 516 W. Annie, Austin, Tx. 78704  
 Re: Levine/2495

VERIFICATION  
 STATE OF TEXAS, COUNTY OF TRAVIS

Before me, a notary public, on this day personally appeared the above named person, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements/facts therein contained are within his/her personal knowledge to be true and correct. Given under my hand and seal of office on the 3rd day of November, 2016.



Star Salazar  
 Notary Public Signature in and for  
 The State of TEXAS

★

(<https://www.traviscountytx.gov>)

District Clerk - AARO - Attorney Access to Records Online

Details

Updated : Friday, December 2, 2016 5:08:56 AM

Cause Number

D-1-GN-16-005470

Style

WHITE V FRONTIER AIRLINES

Filed Date

11/2/2016

Court

53

Type

PERSONAL INJURY OTHER (GEN LIT )

Case Status

PENDING

Action/Offense

Hearing Date

Request Documents ([/aaro/Content/record\\_search\\_fillable.pdf](/aaro/Content/record_search_fillable.pdf))

New Search (</aaro/>)

Attorney	Type	Party - Full/Business	Party - Person
	DEFENDANT	FRONTIER AIRLINES INC	
LEVINE JOEL ALAN	PLAINTIFF		WHITE , MAXINE

Date	Court	Party	Description	Category	Pages	
11/4/2016	53	DF	EXECUTED SERVICE	SRVPROCESS	2	Download ( <a href="/aaro/Default/GetPdf?barCodeId=4887753">/aaro/Default/GetPdf?barCodeId=4887753</a> )
11/3/2016	53	DF	ISS:CITATION	ISSUANCE	0	PDF not available
11/2/2016	53	PL	OTHER FILING	OTHER	2	Download ( <a href="/aaro/Default/GetPdf?barCodeId=4877792">/aaro/Default/GetPdf?barCodeId=4877792</a> )
11/2/2016	53	PL	OTHER FILING	OTHER	1	Download ( <a href="/aaro/Default/GetPdf?barCodeId=4877788">/aaro/Default/GetPdf?barCodeId=4877788</a> )
11/2/2016	53	PL	ORIGINAL PETITION/APPLICATION	PET-PL	7	Download ( <a href="/aaro/Default/GetPdf?barCodeId=4877780">/aaro/Default/GetPdf?barCodeId=4877780</a> )

Request Documents ([/aaro/Content/record\\_search\\_fillable.pdf](/aaro/Content/record_search_fillable.pdf))

New Search (</aaro/>)